

GEORGE MERCIER,
Plaintiff,
v.
THE UNITED STATES DISTRICT
COURT, *et al.*,
Defendants.

2:06-cv-01171-BES-LRL
ORDER

The Court has conducted a *de novo* review of the record in this case, considering fully all relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.¹ After a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing,

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#3) entered on March 19, 2007, is adopted and accepted without

¹The Court notes that Magistrate Judge Johnston recused himself from this matter after entering his Report and Recommendation (#3). However, the review of Magistrate Judge Johnston's order being *de novo*, the Court finds no reason to refer the matter to newly assigned Magistrate Judge Leavitt.

1 modification. Thus, in accordance with the Report and Recommendation, Plaintiff's
2 Application to Proceed *In Forma Pauperis* (#1) is DENIED, and this action is DISMISSED with
3 prejudice.

4 IT IS SO ORDERED.

5 DATED: This 20th day of June, 2007.

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8 UNITED STATES DISTRICT JUDGE
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